

REMARKS

This application has been reviewed in light of the Office Action dated December 24, 2003. Claims 1, 2, 8-11, 20-22, 24, 28, and 34-49 are presented for examination, of which Claims 1, 24, and 28 are in independent form. Claims 1, 8, 9, 24, 28, 43, and 44 have been amended to define more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 1, 2, 8-11, 20-22, 24, 28, and 34-49 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,081,852 (*Baker*).

As shown above, Applicants have amended independent Claims 1, 24, and 28 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is a data communication system. The system comprises a source node and one or more destination nodes. The source node is adapted to set a segment size in accordance with one or more reception capabilities obtained from the one or more destination nodes in order to divide object data into one or more segments, to divide the object data into one or more segments in accordance with the segment size, and to transfer data in each segment to one or more destination nodes via a logical connection.

Among other important features of Claim 1 is that the source node is adapted to set a segment size in accordance with one or more reception capabilities obtained from the one or more destination nodes in order to divide object data into one or

more segments. Support for this feature may be found at least at page 34, lines 16-22, and page 36, line 26, to page 38, line 7.¹

Baker relates to a method and system for autonomously operating a PCI-serial bus interface device circuit of a packetized data communications interface device. The *Baker* system discusses an IEEE 1394 network through which a PC 12 is connected to peripheral devices 14. The *Baker* system divides a packet of data into portions of different sizes and assigns those portions to different destination addresses (Column 22, lines 15-20). However, nothing has been found in *Baker* that would teach or suggest a source node adapted to set a segment size in accordance with one or more reception capabilities obtained from the one or more destination nodes in order to divide object data into one or more segments, to divide the object data into one or more segments in accordance with the segment size, and to transfer data in each segment to one or more destination nodes via a logical connection, as recited in Claim 1.

For at least this reason, independent Claim 1 is believed clearly patentable over *Baker*.

Independent Claims 24 and 28 are data communication method and data communication apparatus claims respectively corresponding to system Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for

¹/It is to be understood, of course, that the claim scope is not limited by the details of the described embodiments, which are referred to only to facilitate explanation.

at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald A. Cella", written over a horizontal line.

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